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DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY**

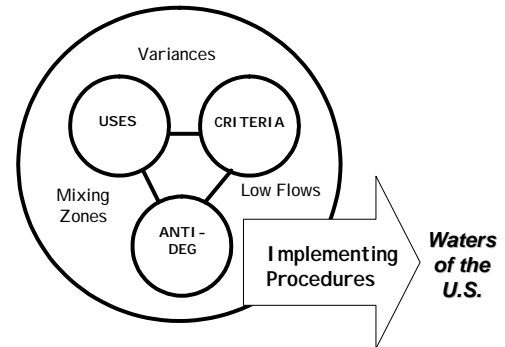
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## Triennial Review of Water Quality Standards

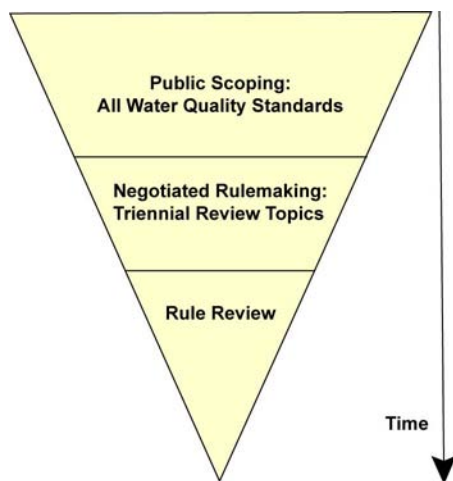
The Idaho Department of Environmental Quality (DEQ) is required to conduct a review of water quality standards at least once every three years. This process, called Triennial Review, is required by 40 CFR 131.20 and is a federal Clean Water Act requirement to review the rules to protect water quality and coordinate with both the public and EPA. The scope of Triennial Review is limited to the required elements of standards (uses, criteria, and antidegradation) and to the optional elements of standards (in Idaho - mixing zones, variances, and low flows). Figure 1 illustrates this relationship – everything within the larger circle may be subject to Triennial Review.

### Water Quality Standards Elements



**Figure 1. Elements of Water Quality Standards subject to Triennial Review**

Although DEQ typically conducts ongoing reviews/revisions of standards on an as needed basis, it has also completed four Triennial Reviews. This year, DEQ is initiating a Triennial Review process that emphasizes public involvement in three phases, as shown in Figure 2.



**Figure 2. Three Phases of Triennial Review**

- 1) Public scoping will occur as DEQ examines all Water Quality Standards and asks for public assistance to select Triennial Review topics.
- 2) Negotiated rulemaking will occur after topics are selected for more detailed research and review.
- 3) Rule review will occur after new or revised language is proposed.

The inverted pyramid in Figure 2 shows the three-phase Triennial Review public process, which will gain more focus as topics are selected and as changes to the water quality standards are proposed.

This effort is intended to result in a more comprehensive and holistic review of water quality standards. The Triennial Review process is described in greater detail on the backside of this fact sheet.

## Public Scoping

- Public Notice of Triennial Review Process. DEQ will develop topic summaries for the DEQ Web site, and will ask the public for (a) comments on water quality standards topics that need review, and (b) the relative priority of these topics.
- Public Workshops to Solicit Public Review for Triennial Review Topics. DEQ will hold a series of three public workshops to discuss potential Triennial Review topics. It is likely that there will be many more recommended topics than DEQ can reasonably work on in a three-year period; therefore, DEQ will balance priorities of the Department, of the public and of EPA Region 10 in determining workload. At the end of this stage, DEQ will have determined the topics to propose for rulemaking, along with a schedule.

## Negotiated Rulemaking

- DEQ Topic Research and Review. For each priority topic, DEQ will research available information and science, consider different options, and evaluate how implementation of new approaches may impact water quality, water users, and regulated industries. DEQ will review each topic separately, and may examine topics through a variety of activities, including staff review, independent contractor reports, and technical workgroups. DEQ will develop fact sheets, describing the selected topics in greater detail, and will make the fact sheets available on the DEQ Web site. This will assist DEQ and help the public prepare for the rulemaking negotiations.
- Negotiated Rulemaking Announcement for Each Topic. At DEQ, the negotiated rulemaking process (Figure 3) is initiated with a notice and an invitation for all interested parties to participate. DEQ will develop proposed revisions to regulations and guidance, as appropriate, and will provide notice for a series of public workshops to collaborate with the public on proposed changes. A number of water quality standards revision packages will likely arise from the Triennial Review process. A single package may include multiple changes to one or more standards. DEQ may hold one or more public hearings when revising the water quality standards.

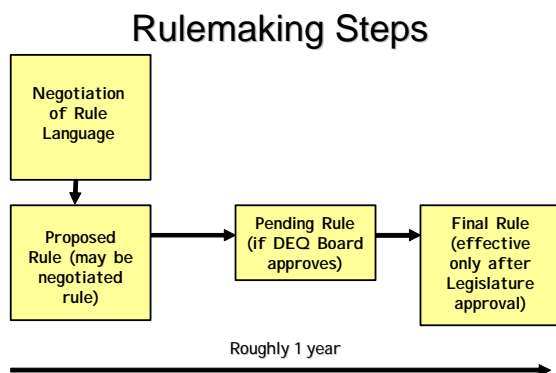


Figure 3. Rulemaking Steps

## Rule Review

### Amendment and Adoption of New/Revised Standards.

Following the Idaho Administrative Procedures Act, DEQ will announce proposed rule language and provide an opportunity for public comment in the Idaho Administrative Bulletin. Additional opportunity for public review occurs when rules are heard by the DEQ Board and the Idaho State Legislature. Finally, DEQ must submit its rules for approval by EPA Region 10.